

Main changes introduced by RDL 7/2025 to the milestone system applied in the processing of renewable energy generation projects

On 25 June, Royal Decree-law 7/2025, of 24 June, approving urgent measures to strengthen the electricity system ('RDL 7/2025') was published in the Official Journal of Spain ('BOE'). Although it generally came into force therewith, this Royal Decree-law, which provides for significant changes in the regulation of the electricity sector, needs to be ratified by the Lower House of Parliament within 30 days of its publication.

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This paper focuses exclusively on the main regulatory developments introduced by RDL 7/2025 in relation to the modification and extension of the administrative milestone system established in RDL 23/2020¹ for renewable energy generation projects.

1. Modification of the fifth administrative milestone

RDL 7/2025 amends Article 1 of RDL 23/2020, whereby the final administrative milestone now refers to the obtaining of the provisional operating permit for testing ("provisional AAE "). Previously, this provi-

¹ Royal Decree-law 23/2020, of 23 June, approving measures in the field of energy and other areas for economic recovery.

sion was interpreted as meaning that the milestone in question would be considered met upon obtaining the definitive operating permit (“definitive AAE”).

RDL 7/2025 also amends the Electricity Sector Act (“LSE”) and Royal Decree 1955/2000² to clarify the differences between the provisional and definitive operating permits (previously referred to as the “commissioning certificate”):

- **Provisional AAE:** mandatory for all production and storage facilities. Obtained once the project has been executed, the permit application must be accompanied by (i) a final works certificate confirming compliance with applicable legislation and the approved execution project, and (ii) in the case of non-substantial alterations, proof of compliance with all requirements under Article 115(3) of RD 1955/2000. This permit must be granted by the competent authority within one month.
- **Definitive AAE:** granted upon completion of the energization process and testing. The permit application must be accompanied by the Final Operational Notification (FON) issued by the grid operator. It too must be granted

within one month by the competent authority.

Both for provisional and definitive AAEs, it is stipulated that where facilities share evacuation infrastructure, and one of the production facilities is set to become operational before the facility that owns the shared evacuation infrastructure, the competent authority may grant a partial provisional or definitive AAE for such infrastructure; provided that it can be guaranteed that all the energy generated can be evacuated, said permit will also allow the facility to first come into operation to be approved.

In any case, the provisional or definitive permit (whether full or partial) must cover both the generation plant and all evacuation infrastructures up to their connection to the national grid³.

2. Extensions of the fifth administrative milestone

Generally speaking, the fifth milestone had to be met within 5 years from the entry into force of RDL 23/2020 (25 June 2020) or from the date the access permit was obtained if obtained after said date. RDL 8/2023⁴ later allowed for an extension of this deadline up to a maximum of 8 years.

² Royal Decree 1955/2000, of 1 December, regulating transmission, distribution, commercialisation and supply activities and electricity facility permit procedures.

³ Where the grid operators have not yet obtained the definitive operating permit (definitive AAE) for the positions at the transmission or distribution substation to which the generation facilities are connected, the provisional or definitive operating permit shall only need to cover the evacuation infrastructure up to at least the last 100 meters before said transmission or distribution substations.

⁴ Royal Decree-law 8/2023, of 27 December, adopting measures to address the economic and social consequences of the conflicts in Ukraine and the Middle East, as well as to mitigate the effects of the drought.

Within said context, RDL 7/2025 introduces a new series of extensions, which we analyse below.

a) Automatic extension of the fifth administrative milestone for projects with a deadline ending on 25 June 2025

The deadline is automatically extended to 25 September 2025, with the fifth milestone now referring to the obtaining of the provisional AAE.

b) Possibility of extension for projects whose fifth administrative milestone could not be extended under RDL 8/2023

Pursuant to RDL 8/2023, only projects with access permits granted between 31 December 2017 and the entry into force of RDL 8/2023 (29 December 2023) could apply for an extension of the fifth milestone.

RDL 7/2025 expands the application of the above-mentioned extension to all generation facilities that obtained access permits between 27 December 2013 and its entry into force.

Applications for said extension must:

- Be submitted before (i) 24 August 2025 if the construction permit was obtained before RDL 7/2025 entered into force, or (ii) within 2 months of obtaining the construction permit if obtained after said entry into force.
- Specify the semester of the natural year in which the provisional

AAE is expected to be obtained, along with the facility owner's express acceptance of the impossibility of obtaining, prior to the start of the semester, either the provisional or definitive AAE, or the provisional or definitive registration in the administrative register of electricity production facilities.

- Be resolved within 4 months by the competent authority. If no response is given within said deadline, the extension will be deemed rejected ('negative administrative silence').

c) Possibility of modification of the semester for which the fifth milestone had already been extended pursuant to RDL 8/2023

Before 24 August 2025, facility owners that have already obtained an extension of the fifth milestone under Article 28 of RDL 8/2023 may request that the selected semester be brought forward or delayed, within the 8-year limit. The competent authority must resolve the request within 4 months. If no response is given within said deadline, the modification of the semester will be deemed rejected.

d) Suspension of administrative milestones

RDL 23/2020 is amended to address cases where permits are suspended due to the lodging of administrative appeals or judicial review applications, including those suspensions resulting

Modification of the milestone system applicable to renewable energy generation projects

from administrative silence⁵. In such cases:

- The facility owner must prove before the competent authority and the grid operator, and before the affected milestone deadline is reached, the existence of an interim injunction which suspends the validity of the permits.
- The affected milestone deadlines (including extensions of the

fifth milestone) will be suspended until the suspension of the validity of the permits is lifted.

Once lifted and within 3 months of notice thereof, the facility owner must notify the same. Failure to do so may result in the automatic expiration of access and connection permits.

⁵ Pursuant to Article 117(3) of the General Government (Common Administrative Procedure) Act 39/2015 of 1 October.